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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/424,006

03/07/2000

GEORG SANGER

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02/13/2003

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EXAMINER

WARD, RONALD J

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/424,006

Applicant(s)

SANGER, GEORG

Examiner

Ronald J Ward

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/27/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6, 8-10** rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe et al. (USPN 5014345) in view of Comroe et al. (USPN 5040238).

As to **claim 6**, USPN 5014345 discloses a method for reaching subscribers in a radio communications system (see col. 1 lines 15-19) comprising:

temporarily assigning object identifications to subscribers (see col. 2 lines 31-47), said temporary object identifications being formed by subscriber data sets that respectively define an entire subscriber environment of a virtual communication network within the radio communications system (see col. 1 lines 40-53), wherein one or more subscriber data sets are assignable to subscribers of the radio communication system (see col. 2 lines 31-33); and selectively allocating predetermined subscriber environments to respective authorized subscribers, the predetermined subscriber environments being defined by the subscriber data sets (see col. 4 lines 53-62, see col. 7 lines 52-64).

However USPN 5014345 fails to explicitly recite that the radio communications system is a cellular mobile radio communications system. USPN 5014345 discloses that the radio communications system is a trunked radio system.

In an analogous art, USPN 5040238 discloses a trunked radio system having a similar structure as that of USPN 5014345, but which is also a cellular mobile radio communications system (see col. 2 lines 36-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify USPN 5014345 to be a cellular mobile radio communications system, as taught by USPN 5040238. One of ordinary skill in the art would have been motivated to make this modification in order to make more efficient use of communication resources (see col. 2 lines 36-50 of USPN 5040238).

As to **claim 8**, the combination system of USPN 5014345 and USPN 5040238 disclose everything as applied to claim 6 above. In addition, USPN 5014345 discloses carrying out an authorization check of the subscribers, and allocating the subscriber data sets after a positive result of the authorization check is obtained (see col. 5 lines 49-58).

As to **claim 9**, the combination system of USPN 5014345 and USPN 5040238 disclose everything as applied to claim 6 above. In addition, USPN 5014345 discloses assigning a temporary, object related and a permanent, individual subscriber environment to a subscriber, to whom an object identification has been assigned (see col. 1 lines 29-39 and col. 9 lines 7-11).

As to **claim 10**, the combination system of USPN 5014345 and USPN 5040238 disclose everything as applied to claim 6 above. In addition, USPN 5014345 discloses reaching the subscriber always under the call numbers which correspond to the individual and the temporary subscriber environments currently assigned to the subscriber (see col. 2 lines 48-60 and col. 9 lines 7-11).

3. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe et al (USPN 5014345) in view of Comroe et al (USPN 5040238) and further in view of Rothenhofer (USPN 5345502).

The combination system of USPN 5014345 and USPN 5040238 disclose everything as applied to claim 6 above. In addition, USPN 5014345 discloses that “the present invention is readily adaptable to conventional two-way communication systems” (see col. 12 lines 34-40). However, USPN 5014345 fails to explicitly recite administering calls regarding subscriber data sets of the virtual communication network through an intelligent network.

In an analogous art, Rothenhofer discloses administering calls regarding subscriber data sets of the virtual communication network through an intelligent network (see col. 1 line 45 through col. 2 line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of USPN 5014345 and USPN 5040238 to administer calls regarding subscriber data sets through an intelligent network, as taught by Rothenhofer. One of ordinary skill in the art would have been motivated to make this modification because an intelligent network offers additional advantages and benefits, and it operates according to a global standard (see col. 1 lines 11-25).

Response to Arguments

4. Applicant's arguments filed January 27, 2003 have been fully considered but they are not persuasive.

As to applicant's argument that Comroe's trunked radio system is not a virtual private network, the examiner respectfully disagrees. The examiner takes note that the claims use the

broader term, “virtual communication network,” vice the term defined in the specification and relied on in the applicant’s argument (virtual private network). However, even if the terms used in the claims were amended, the examiner considers a virtual private network to read on the talk groups described by Comroe et al. in USPN 5014345, using the broadest reasonable interpretation of a virtual private network consistent with the specification. Using a reasonable interpretation, a talk group does simulate a separate communications network that is actually situated within a real communications network (see col. 1 lines 40-53).

As to applicant’s argument that reprogramming of IDs is not an assignment of object identifications formed by subscriber data sets, the examiner respectfully disagrees on the grounds that the claim, as broadly written, reads on the reprogramming of dynamic IDs described by Comroe. In Comroe (USPN 5014345), the programming station (108 in Figure 1) contains tables for storing information about individual subscribers (see col. 4 lines 53-58). The information stored on these tables is considered equivalent to a subscriber data set. Since the tables contain each subscriber’s group and subgroup information they are considered to “define an entire subscriber environment of a virtual communication network within the radio communications system.” The group and subgroup information form dynamic ID or reprogramming assignments. These dynamic IDs are considered equivalent to temporary object identifications.

As to applicant’s argument that Comroe fails to disclose or suggest selectively allocating predetermined subscriber environments to respective authorized subscribers, the predetermined subscriber environments being defined by the subscriber data sets, the examiner respectfully disagrees. Selectively reprogramming authorized subscriber units with dynamic subgroup IDs is

considered equivalent to selectively allocating predetermined subscriber environments to respective authorized subscribers. In addition, the predetermined subscriber environments are defined by the predetermined subscriber data sets (the predetermined subscriber data sets being equivalent to the information about individual subscribers stored in the programming station's tables).

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., associating an identity with a subscriber environment containing individual information, for example, about the subscriber's subscription level and supplementary services¹ and selecting subscriber data records from a pool of preset subscriber data records, which may comprise information about a subscription level, and information about supplementary services²) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

¹ page 3 lines 12-14 of Amendment B

² page 4 lines 23-25 of Amendment B

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald J. Ward whose telephone number is (703) 305-5616. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (TC 2600 only)
(for formal communications; please mark "EXPEDITED PROCEDURE")
(for informal or draft communications, please label "PROPOSED" or
"DRAFT" and mark "PLEASE DELIVER TO EXAMINER")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

RJW

February 5, 2003


2/7/03
LESTER G. MINCAID
PRIMA L. MINER